



# **Environmental Permit Streamlining**

A Recommended Approach of the Goal 2 Team Workgroup  
May 8, 2003

# Environmental Permit Streamlining

---

## Table of Contents

<b>Executive Summary .....</b>	<b>1</b>
<b>1.0 Background .....</b>	<b>6</b>
1.1 Introduction	
1.2 Workgroup Members	
1.3 Issues and Constraints	
1.4 Testing the Model Through a Pilot Program	
<b>2.0 Recommended Process .....</b>	<b>11</b>
2.1 Preliminary Application	
2.2 Determine CEQA/NEPA Lead Agency	
2.3 Convene Project Review Team	
2.4 Enter Project in Tracking System	
2.5 Complete Field Surveys	
2.6 Submit and Review Technical Reports	
2.7 Conduct CEQA/NEPA Review	
2.8 Approve and Distribute Permits	
<b>3.0 Next Steps .....</b>	<b>20</b>
3.1 Create Memorandum of Understanding	
3.2 Create Database Tracking System	
3.3 Create Preliminary Permit Application	
3.4 Staff Training	
3.5 Long Term Recommendations	
<b>Appendices</b>	
A. Streamlining Issues Summary	
B. Preliminary Environmental Study (PES) Form	
C. Preliminary Environmental Analysis Report (PEAR)	

## Executive Summary

### Group Direction

Under direction from the Goal 2 Team, the Permit Streamlining Workgroup (PSW) was tasked with recommending a streamlined process for acquiring environmental permits for projects that affect natural resources. To address this challenge, the PSW convened a series of meetings to identify issues that agency staff have encountered over the years working on similar activities in such environments. The PSW then reviewed other permit streamlining models used both inside and outside of California for their strengths and weaknesses and how well they addressed the issues.

This resulted in a series of recommendations to correct problems that the PSW identified in California's environmental permitting process. The solution centers around the use of coordinated Permit Review Teams (PRT) to enhance the development of unified permit recommendations.

The outcome of this effort is summarized in the following 8-step process. In addition to these eight steps, the PSW identified operational needs that were felt to be imperative to the long-term success of the program. These recommendations are also summarized.

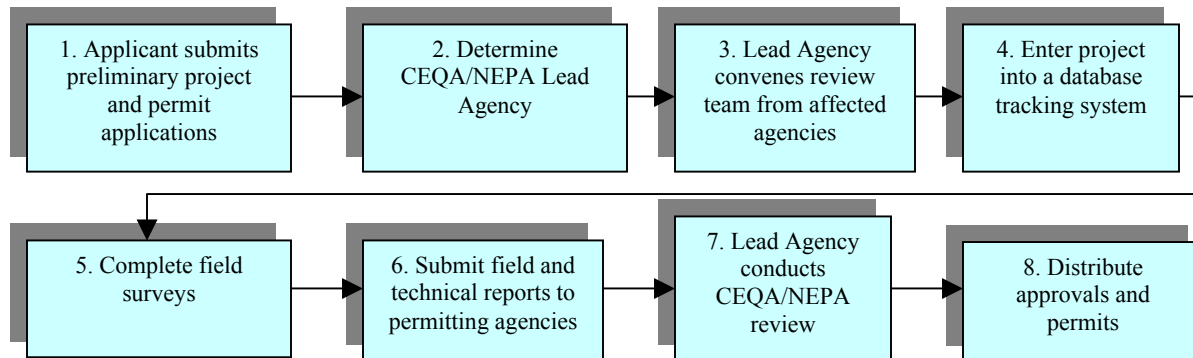
### Pilot Program

To test the described process, the PSW is recommending testing the streamlined approach on Caltrans projects as a pilot program. Caltrans was chosen because their projects typically involve multi-agency

reviews and permits. Once the operational logistics of the process are refined, the program could be employed by other State agencies for use as applicable.

## Work Group Recommended Process

The following flow chart summarized the recommended permit streamlining process.



### **1. Applicant Submits Preliminary Project and Permit Applications to Agencies**

The project applicant completes a preliminary application to initiate early permit coordination. This application will not take the place of individual agency permits that the applicant needs to submit.

Any entity proposing an activity would fill out an application that contains the following information:

- a. Preliminary Environmental Study (PES)-type initial permit application;
- b. Prepare detailed project description including environmental setting;
- c. Submit permit application(s) (preliminary or final depending on agency regulations) in order to trigger initial discussions/dialog.

### **2. Determine CEQA/NEPA Lead Agency**

Project Lead Agency determined early in the process. The Lead Agency is then responsible for assembling the affected agencies that have permitting authority.

- a. Recognize that not all projects will necessarily require a CEQA/NEPA document by which mitigation monitoring and other CEQA processes would be employed.

### **3. Lead Agency Convenes Review Team from Affected Agencies**

Lead Agency hosts monthly periodic meeting, similar to Caltrans' Project Development Team (PDT) format, where all agencies that would have jurisdiction over the project meet to review project status and review

issues needed to expedite permit approvals.

- a. Identify CEQA/NEPA strategy;
- b. Review project proposal;
- c. Determine if all permits have been identified and/or applied for;
- d. Determine if all affected agencies are included in the PRT;
- e. Determine what information will be required and what methodologies will be used for completing environmental field assessments, documentation, analysis, and final permit applications.

## **4. Enter Project Into a Database Tracking System**

A database driven tracking system will be used to monitor action items and completed tasks. This system will be internet accessible so all parties can review and update status as often as necessary.

- a. Create a web-based project tracking system;
- b. Consider including in the database: geographic location, lead, responsible and trustee agencies, local/state/federal documents, environmental permits, affected project boundary, and project schedule/milestones, key decisions, and meeting notes.

## **5. Complete Field Surveys**

All standard field protocols will be used to complete field studies. The intent of early agency coordination is

to give the field team adequate guidance on expected field surveys and methodologies thereby reducing duplicate field visits.

## **6. Submit Field and Technical Reports to All Agencies**

Upon completion of field studies, technical reports will be submitted to the permitting agencies. Where possible, one report that covers the same resources may be sent to all agencies. The report would contain all the necessary information that each agency needs to complete their permit process.

To facilitate equal understanding of technical issues, the PRT will meet to discuss their reviews of the technical reports, to clarify any additional needs, and resolve any conflicting recommendations. This review would constitute a single comprehensive set of comments by the agencies for final report compilation.

## **7. Lead Agency Conducts CEQA/NEPA Review**

The technical report(s) will be used by the Lead Agency for preparation of the CEQA/NEPA document. Through early agency coordination a greater opportunity exists to incorporate avoidance, minimization and/or compensation measures into the project design.

## **8. *Distribute Approvals and Permits***

Upon completion of the permitting process, each agency will submit

their signed permit to the applicant. Where possible, no agency will wait for another agency to complete their permitting/signatory process.

## **Next Steps**

To implement the 8-step permitting process, the PSW identified four key needs that are necessary for the operational success of the process. These are:

### **1. *Memorandum of Understanding***

First and foremost, a Memorandum of Understanding (MOU) will need to be signed by the participating agencies defining their commitments to implement the process. The MOA will include, but not be limited to, the following:

- a. Spell out each agencies mission, statutory and regulatory authorities, and responsibilities;
- b. A commitment to fund and send staff to reoccurring training;
- c. Representatives of participating agencies will be committed to the team throughout the project review process;
- d. Establishment of review times;
- e. Commitments to meeting schedules;
- f. Funding plan.

### **2. *Tracking System/Database***

A tracking system will be created that can be accessed by the applicant and the PRT to check the progress of the permitting activity.

Notes can be made part of the system whereby reviewers can submit their status thus facilitating the delivery of information necessary to complete the permit. The intent is to reduce the opportunity for projects to be delayed due to an “incomplete application”.

- a. Create a web-based project tracking system.
- b. Consider including in the database: geographic location, lead, responsible and trustee agencies, local/state/federal documents, environmental permits, affected project boundary, and project schedule/milestones.

### **3. *Preliminary Permit Application***

An initial joint-agency application must be created that addresses all the needs of the involved resource and regulatory agencies. The intent is to allow the applicant to clearly see at the beginning of the project what will be needed to permit the activity in the most efficient manner.

Additionally, a checklist will need to accompany the application that identifies all the potential studies that will need to be prepared for the project. Once studies are identified, protocols for those studies must be identified by the permitting agency. The intent is to eliminate fieldwork performed using the wrong protocol thus causing project delays. Forms under consideration include Caltrans' Preliminary Environmental Study (PES) or Preliminary Environmental Analysis Report (PEAR). The signatories to the MOA will need to determine where the form will be located and how it will be maintained.

#### **4. Staff Training**

Common training in how the coordinated PRT process operates

and the technical disciplines (e.g., fluvial geomorphology, biology, fish passage, etc.), and methodologies is crucial to performing consistent environmental assessments and permit review. In addition, training should:

- a. Be multi-agency, cross-functional, and publicly offered;
- b. Implement a continuing education process that is provided on a regularly, reoccurring basis;
- b. Develop a training program to identify assessment standards and protocols;
- c. Budget sufficient funds to maintain regularly offered training;
- d. Provide information about the various agencies' missions, values, and goals.



# 1.0 Background

## 1.1 Introduction

The Tri-Agency Partnership was formed on February 21, 2001 when the Secretaries for The California Environmental Protection Agency, the Resources Agency, and the Business, Transportation, and Housing Agency signed an agreement “to identify program areas in which additional cooperation between the Parties will more successfully integrate statewide goals of enhanced mobility with those of environmental protection.” The purpose of the Tri-Agency Partnership “is to engage in concerted, cooperative, and collaborative program relationships among the parties.” The Tri-Agency Partnership’s objective “is to ensure the timely planning and implementation of transportation projects that protect or restore the State’s environment. The Parties agree that transportation projects need to be delivered and should support our shared goal of protecting or improving the quality of our environment.”<sup>1</sup>

In the continuing effort to achieve the objective of the Partnership Agreement, The Tri-Agency Partnership identified two goals in February 2002. The goals were:

Goal 1 – Design and test processes for early and full integration of resource and environmental issues into regional transportation plans.

Goal 2 – Design and test processes to achieve “one pass” environmental impacts reports and permits. Integrate successful models into Caltrans standard procedures.

Two teams were formed to achieve the identified goals. The Goal 2 Team is comprised of members from the California Department of Transportation (Caltrans), the State Lands Commission, the California Department of Fish and Game (CDFG), the Department of Toxic Substance Control, the State Water Resources Control Board (SWRCB), the Department of Parks and Recreation, and the Resources Agency. The Goal 2 Team drafted the following mission statement:

Design and test procedures for a “one pass” environmental approval and permit process to expedite delivery of infrastructure projects and protect and enhance the environment. Integrate successful procedures into standard agency’s policies and practices.

---

<sup>1</sup> Partnership Agreement among Resources Agency, California Environmental Protection Agency, and Business, Transportation and Housing Agency – February 21, 2001



- Integrate consideration of environmental resource issues into early project planning through early engagement with environmental resource and regulatory agencies.
- Develop uniform environmental documentation standards that can be used by all agencies to meet their environmental approval and permit obligations.
- Commit to simultaneous agency evaluation of issues and documents; eliminate sequential consideration of issues.
- Develop streamlined environmental review timelines.
- Consider dual purpose projects as a standard practice in development of infrastructure projects.
- Create mitigation bank development and credit withdrawal process.

In furtherance of its mission, the Goal 2 Team addressed the status of past and current permit streamlining efforts in California for aquatic environments. The Team identified an effort by the Resources Agency (Permit Streamlining Group) that was looking at ways in which the CDFG Lake and Streambed Alteration Agreement (Fish and Game Code §§1600-1607) could function as a principal permit for subsequent tiering to other State and Federal environmental regulations such as the California Environmental Quality Act (CEQA), the California Endangered Species Act, the Federal Endangered Species Act, Sections 401, 402, and 404 of the Clean Water Act, the Rivers and Harbors Act, etc. The Permit Streamlining Group met regularly until 2001 and was in the process of defining a strategy when reorganization and staff changes within CDFG led to a hiatus in the effort.

The Resources Agency and the National Marine Fisheries Service (NMFS) were supportive of reconstituting this effort and moving forward. To this end, the Goal 2 Team created the Permit Streamlining Workgroup comprised of members from Caltrans, the Resources Agency, CDFG, SWRCB, NMFS, and the U.S. Army Corps of Engineers. The Workgroup has met continuously since July 2001.

The Workgroup developed the following goal statement:

To improve decision making among federal, state, and local agencies for the purpose of assuring effective protection of aquatic resources through coordinated planning, project development, and permitting.

The recommendation presented in this report is the first step identified by the Workgroup in achieving its goal. Upon agreement by the Tri-Agency Partnership

that the course of action outlined in the report is appropriate, the Workgroup will begin work establishing the implementation of the recommendation.

## **1.2 Permit Streamlining Workgroup (PSW)**

Deborah McKee	Department of Transportation
Frank Roddy	State Water Resources Control Board
Joyce Young	Department of Fish and Game
Derek Kantar	HDR, Inc. (consultant)

In consultation with:

Cathy Bleier	The Resources Agency
Calvin Fong	U.S. Army Corps of Engineers
Lyn Gillespie	U.S. Forest Service
Kelley Reid	U.S. Army Corps of Engineers
Nick Villa	Department of Fish and Game

## **1.3 Issues and Constraints**

The concept of permit streamlining is not new and has become a frequently heard phrase in regulatory circles for over a decade. From the federal level down to local agencies, numerous attempts have been made to create models that improve permit process efficiencies for the permitting agencies as well as the permit applicant. To illustrate the vast number of potential streamlining references, a quick search using the Google search engine produced the following number of references using the following key word phrases:

<b>Key Words</b>	<b>Number of References</b>
Permit streamlining	Over 75,000
Environmental permit streamlining	Over 35,000
Permit streamlining transportation	Over 25,000
Environmental permit streamlining transportation	Over 16,000

Using the above references as a starting point for this study, over 300 agency references to permit streamlining were reviewed. Omitted from this review were articles written by special interest groups so that a concentrated effort could be placed on reviewing models that other agencies around the country have employed or have attempted to employ. The results of this cursory review were not surprising to long-time veterans of permit programs. The three most critical issues preventing the implementation of a streamlined permitting process were:

- 1) Lack of permit agency staff available to commit to such programs,

- 2) Lack of training, both for the regulators and regulated community, in the streamlined process, and
- 3) Lack of funding for any one agency to maintain ownership of the process.

In the PSW's review of local streamlining programs we found this to be case. Two specific examples are mentioned as follows. The first is the San Francisco Bay Area's Joint Aquatic Resources Permit Application (JARPA). The benefit of the JARPA model is that the applicant is provided with a checklist of possible permit agencies in the Bay Area, including their contact information, which may have jurisdiction over a given project. The disadvantage of this model is that no one particular agency or 'clearinghouse' has been set up to process the application. As such, applicants are left to discern for themselves which permits apply and which do not. Unfortunately it is too common for an applicant to learn several months into the process that other permits are required forcing the start of a new permit process and the restart of some technical studies. Washington State has a similar JARPA process that essentially has the same constraints as the Bay Area model.

The second streamlining model often heard of is a 'one stop permit' process. Washington State, through the Department of Transportation (WSDOT), has been maturing this model for the past several years and has found some successes and challenges. Unique to the WSDOT model is the creation of an interdisciplinary team (IDT) that is created for each new project. The applicant submits a unified permit application that brings the permitting agencies to the table to request information of the applicant. Each permitting agency reviews their procedures against the project and after a few weeks returns to the IDT table to discuss the technical approach with the applicant and each other. Once a process of field study is identified, the applicant consults with each agency outside of the IDT for the remainder of the permit process. As is actually the case, 'one permit' is not issued for the project but rather each agency submits their respective permit to the applicant under their normal procedures. Inconsistencies between permit programs, such as suggested and required mitigation, are left to the applicant to resolve.

Given the constraints reported in other streamlining programs, the PSW convened a series of meetings intended to identify issues and recommendations for a streamlining model that could be used in California. Using a group process known as 'clustering' the PSW supported each other in identifying potential and known permit process constraints. Likewise once the list of issues was recorded, the PSW clustered possible solutions to the identified constraints. The results of this exercise resulted in the eight-step streamlining process presented herein. The consolidated text of the streamlining issues and solutions is found in Appendix A of this report.

The PSW was very candid with each other and noted that some permit issues that affect streamlining will not likely be overcome any time soon. Some of these

issues related to the conflicting missions of each permit agency. It was expressed that in some cases the differences between preservation and conservation could have an influence on the permit process. A clear example discussed within the PSW is the image of a bulldozer in a stream. If the purpose for the bulldozer is not understood it could be easily assumed that the reason is for some type of urban development. But what if the bulldozer was involved in a habitat restoration activity. Would the permit agencies process the permits, review the technical reports or apply mitigation measures differently? These differences in agency missions will have to be worked through over a period of time. Clearly a key to resolving these differences is solid communication at the beginning of a project.

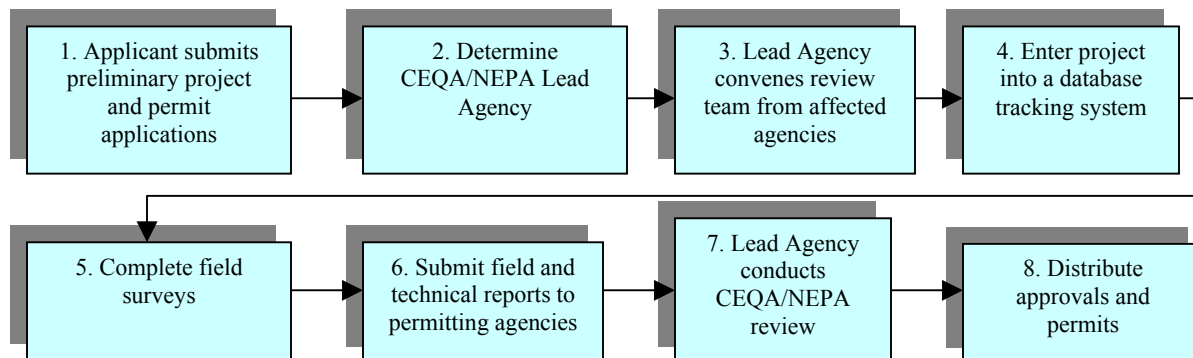
### **1.4 Testing the Model Through a Pilot Program**

To test the described model, the PSW is recommending testing this approach on northern California Caltrans projects under the watch of a pilot program. Caltrans was chosen because their projects typically involve multi-agency reviews and permits. Further, given refinements that grow out of pilot programs, frequent progress updates could be made to Tri-Agency and other interested officials with relative logistic ease. Once the operational logistics of the process are refined, the program could be employed by other State agencies for use as applicable.

## 2.0 Recommended Process

The PSW prepared the following model to facilitate permit processing through a series of steps that primarily revolves around team communication. As we identified streamlining issues and solutions, both inside and outside California, our desire was to craft a model that did not change current regulations but rather incorporated the type of multi-agency communications that have prevented other streamlining programs from being more successful. Additionally, we strived to create a model that could be implemented very quickly and was achievable using current regulatory and permit programs. As you will see, the use of Project Review Teams (PRT) is our recommendation to maintain cohesive group of individuals who will remain responsible for the permitting of a particular project. By doing so we retain consistency within the project team as well as develop a better understanding of the workings of the streamlined process that can then be taught to others.

The following flow chart explains the eight-step permit streamlining process.



### **2.1 *Submit Preliminary Project Application and Permit Applications***

#### **Objective:**

To begin an initial submittal process by which agency consultations and/or permitting can begin.

#### **Advantages**

- Begins the permitting process for those agencies that cannot start consultations until they receive an application.
- Serves as an early identification to which permits may be needed for the project. Will help avoid last minute permitting requests.

#### **Disadvantages**

- Getting the agencies to adapt to a single initial application will take time to create, adopt and then get out to the regulated community.

The PSW recognized that project applicants would be well served if they understood in the early stages of project development which permits would need to be applied for and how that process would shape the ultimate project design. The intent of this step is not to create 'one permit' application suitable for all agencies, but rather to help the PRT determine if all necessary permits are being applied for. Additionally, it was recognized that not all agencies have a mechanism by which they can come to the planning table unless an application is submitted. This step will allow all affected agencies to staff the PRT with the appropriate person thus helping guide the project through the early planning phases.

It is recognized that developing a type of application/checklist will be a challenge since different agencies request different information on their applications. Our intent is not to create an application that is too cumbersome for the applicant, yet provides enough information to the agencies to begin discussions with the applicant. It is envisioned that the application will need to have a fairly detailed project description so that the permitting agencies will have a reasonable idea of the scope and scale of the project. Maps showing the project vicinity and location would be included as well as appropriate engineering drawings of the proposed activity.

The PSW considered the form of the application and elected to maintain a more checklist style. The intent here is to take advantage of some current applications that serve the project initiation process relatively well and not spend considerable time trying to create a brand new system. Two examples that can be borrowed from Caltrans are the Preliminary Environmental Study (PES) and the Preliminary Environmental Analysis Report (PEAR). These forms can be found as Appendix B and C, respectively, in this report. Both of these forms, and in particular the PES, have a set of boxes that are organized by resource category. Each box represents a type of impact area or study that would need to be prepared to clear the project through regulatory protocols. Such a form could be adapted for multiple-agency use without having to labor extensively over form and content. The PSW proposes to modify the PES and PEAR processes to satisfy multiple agency needs.

Of concern in this step is how to distribute the form to the permitting agencies and the regulated community. There may be opportunities to post the form on each agency's web site as well as those of The Resources Agency and the State Clearinghouse. Announcing the availability of the form to the general public could be distributed through various professional publications and organizations such as the Consulting Engineers and Land Surveyors of California (CELSOC), Association of Environmental Professionals (AEP) and American Planning Association (APA) to name a few.

## **2.2 Determine CEQA/NEPA Lead Agency**

### **Objective:**

To assemble the CEQA/NEPA team early in the planning process in order to properly determine the correct type of document, determine how to present the permit activities in the document, and to foster resource avoidance or minimization efforts.

### **Advantages:**

- Establishes project leadership early in the permitting and environmental evaluation phase.
- Provides an incentive to reduce impacts so that a simplified CEQA/NEPA process can be used, such as Negative Declarations and Findings of No Significant Impact.
- Reduces duplication in assessment reporting between technical studies and summary findings.

### **Disadvantages:**

- Preliminary engineering often occurs well in advance of environmental studies thus creating uncertainty as to when to create the CEQA/NEPA team.
- Lead Agency may not have qualified environmental professionals to manage the environmental planning process.

Nearly all new development projects require some form of processing through either the California Environmental Quality Act (CEQA) and/or the National Environmental Policy Act (NEPA). The types of document selected under either of these programs are typically supported by environmental technical studies, many of which are prepared for environmental permits. Project applicants would benefit from early coordination of the two activities in several areas. First, once a general understanding of the physical conditions of the site is understood, opportunities are created to present environmental constraints to the engineering team who can then modify the project to support a simplified CEQA/NEPA process. Designing in the absence of environmental constraints often results in higher design fees and longer design schedules.

In addition to supporting preliminary designs, having a leadership structure in place to oversee the regulatory compliance process provides the applicant with some assurances that environmental professionals are managing the environmental process. Additionally, given that there is often overlaps between the contents of permit reports and CEQA/NEPA documents, a greater opportunity exists to minimize duplicate reporting efforts. Further, if questions of policy or protocol come up during field studies, there is a structure in place by which to resolve conflicts early.



### **2.3    *Lead Agency Convenes Review Team From Affected Agencies***

**Objective:**

The PRT, including cooperating, responsible, and trustee agencies, shall meet early and as necessary so as to affect positive decisions regarding resource impacts and mitigation.

**Advantages:**

- Permit process is agreed to early in the project life cycle.
- The resource specialist will address specialty aspects of the permit/technical issues. Technical skill sets will be matched to the affected resources.
- Resource specialists and not environmental generalists will address technical issues, particularly in the areas of biological resources.
- By working together the permitting team better articulates legal requirements vs. personal wants vs. resource needs. Mitigation ratios are an example where common understandings can result in fair mitigation ratios.

**Disadvantages**

- Staff rotates out of jobs thus losing project and process continuity.
- Internal and external consultants can be vague about what information from all disciplines will be needed as well as an understanding of why those needs exist. As such, both sides need to have an elevated comfort level before benefits will become readily apparent. Milestones can be used to be sure the PRT is on track with data submitted.
- This process will require more meetings. As such, meeting efficiency needs to be enhanced, particularly in the areas of voice and visual communications to cut down on travel time (maps, plans etc.). Objective will be to create a simple process and a short learning curve. Regulatory and external IT personnel will need to get together to facilitate common and available solutions.
- Success will largely be dependent on the commitment of people, time, leadership, and resources.

Once the PRT is identified, the Lead Agency will assemble the PRT to outline how the environmental compliance process will be structured. The Lead Agency will host periodic meetings to where all agencies that would have jurisdiction over the project meet to review project status and review issues needed to expedite permit approvals. Specifically the team will meet to identify, among other issues:

- a. Review project proposal, description, and engineering objectives;
- b. Outline draft CEQA/NEPA strategy;
- c. Determine if all permits have been identified and/or applied for;
- d. Determine if all affected agencies are included in the PRT;

- e. Determine what information will be required and what methodologies will be used for completing environmental field assessments, documentation, analysis, and final permit applications; and
- f. Review dispute resolution process.

To assist in this process, it may be necessary for the Lead Agency to assign a permit manager from the team or bring in such an individual. The permit manager would ensure that the appropriate skill sets are represented to evaluate the type of physical environment impacted. These skill sets could be comprised of internal and external members. Internal members refer to agency staff and external members refer to consultants who may be used to perform specific activities such as wetland delineations or protocol species surveys. What is most important is that the appropriate professionals are used in their respected disciplines. For example, generalists would be used as specialists at preparing documents for general readers and mass communication. Biological specialists would perform/review technical studies and tasks other than the generalists. To make the streamlining process effective, the correct skill sets must be matched to the task at hand.

In order for this initial team process to be effective, the Lead Agency or permit manager will need to be particularly effective at organizing the permitting team from the outset. Equally important is that a communication protocol is established to keep everyone informed of project status, deliverables, and milestones. Important to identify early will be what type of communication tools will be employed to maximize the efficiency of the team. For example, it may not be necessary for all members to be in attendance if conference calls are established with appropriate meeting materials and exhibits distributed in advance.

It is also important at this meeting that the dispute resolution process be explained to the team. The advantages of having a consistent team at the planning table is that there would be experienced personnel available who should be able to look at the end product/permit and discern what is in the best interest of the resource and the project without causing serious project delays. The ability to resolve issues with fellow professionals is preferred over a more formal mediated process.

Of paramount importance to the success of the review team is that the permit agencies will need to understand the new procedures, accept the program, and provide the resources to work within it. The success of these points will need to be directed from high levels within the state to allow the program to succeed. There needs to be a value to this process that is understood and accepted by the lead agency, by the resource agencies, by the state, and the project applicants.

## **2.4 Enter Project Into A Database Tracking System**

### **Objective:**

Create an easily accessible, online, tracking system whereby the project team knows who is working on the project, the current status of the project, and what data is available or needed to complete permitting tasks.

### **Advantages:**

- Creates a list of contacts;
- Documents meeting minutes and milestones for group consistency;
- A real-time system shares common data;
- The project team knows the current status of deliverables at all times;
- Memorializes key decisions.

### **Disadvantages:**

- Would need to identify who will host and maintain the system and at what cost;
- Need to create a system that allows equal access to the decisions, milestones, and 'what if' discussions that are relevant to the permitting teams.

The tracking system is perhaps the most complex part of this streamlining model. In fact, the model could be employed without the tracking system at the outset with the goal of having such a system in place over a prescribed period of time. The real purpose of the tracking system is to share information. This common gap in permit review and environmental assessments has often resulted in permit delays due to 'incomplete applications', duplication of field studies, and misunderstandings of field objectives and study areas.

It is accepted that creating such system could be time and labor intensive. Even once the system is created, it would take considerable effort to maintain the contents by Information Technology staff. Additionally, the data base would need to be updated with current information from the permitting staff adding to their exiting workload. The tracking system could be started with some very basic information and matured over time as familiarity with the system develops.

## **2.5 Complete Field Surveys**

### **Objectives:**

Perform field studies with a unified approach using agreed upon protocols.

### **Advantages:**

- Field personnel know exactly what studies they are to perform and which methods they are to use to collect field data;

- Reduces the risk of unnecessary field studies, incomplete reports and the permit agencies not receiving what they need to evaluate the project against their regulations.

Disadvantages:

- Some studies may be delayed until the team convenes;
- Some studies may need to be initiated before the team convenes opening the possibility for those studies to need to be revised or resurveyed depending on selected methodology.

During this step in the model, all normal field protocols will be used to survey physical site conditions. The intent is not to change the regulatory processes or procedures but launch into them with a clear understanding of goals, objectives and methods. Understanding from the beginning when certain studies will be completed will also allow for multiple studies to be completed at the same time and perhaps by the same team. For example, when the field team is mapping the limits of jurisdiction for the Corps of Engineers, they can also be mapping the limits of jurisdiction for the Department of Fish and Game. This would save field time and money and possibly allow for quicker preparation of field reports.

## **2.6 *Submit Field/Biological Technical Reports to All Agencies***

Objective:

Create a protocol whereby technical reports will be submitted to the permitting agencies. Where possible, one report that covers the same resource may be sent to all agencies. The report would contain all the necessary information that each agency needs to complete their permit process. Where one report is not appropriate, submit/distribute technical reports as early as possible to facilitate early discussions and approvals.

Advantages

- Required reports would be known from the beginning with objectives and milestones identified;
- Shares results early thus facilitating a common understanding of the physical resources. Increases professional interpretation of field conditions by reducing personal perceptions;
- Like and kind issues would be discussed together (i.e., wetland data can be in one report for all who need to review wetland data).

Disadvantages

- One report can have problems if some surveys/reports can be completed in a few weeks while others take a few years;
- One standard analysis cannot meet the needs of all regulatory programs. Several tests and analyses must be employed to get to the conclusion. May need a table that identifies one law, then the discussion, next law – then the discussion, etc.

To facilitate equal understanding of technical issues, the PRT will meet to discuss their reviews of the reports and clarify any additional needs. This meeting would also be used to resolve any conflicting recommendations between agencies and to arrive at recommendations that are science based rather than agency based. Of particular importance to the permit applicant is that the permit manager could consolidate the review comments into a single comprehensive set of comments thereby reducing the opportunity for conflicting reviews.

Some streamlining models have proposed creating one report that is sent to all agencies to ensure that permit decisions are based on the same set of facts. Except for all but the simplest projects, this approach often creates more constraints than it solves. Some field protocols require multiple year studies, such as those for fairy shrimp, and could hold up the approval of other studies. What is recommended in the PSW model is that it may be appropriate for some resource evaluations to be combined in one report and sent to multiple agencies. One example could be a wetland evaluation and delineation where all the agencies who have an interest in the wetland study could help prepare the field methodology and table of contents for the wetland report so that their evaluation of the wetland resource is consistent with each other.

### **2.7 Lead Agency Conducts CEQA/NEPA Review**

#### **Objectives:**

To use the permit technical report(s) for preparation of the CEQA/NEPA document. These studies, in concert with the CEQA/NEPA process, could create a greater opportunity to incorporate avoidance, minimization, and/or compensation measures into the project design.

#### **Advantages:**

- Provides early environmental constraints to the engineering team;
- Encourages early consultations between the applicant and permit agency;
- Reduces duplicate technical report preparation;
- Encourages avoidance, minimization, and/or compensation measures.

#### **Disadvantages:**

- CEQA/NEPA may not start for years after the reports are completed requiring some update of the reports.
- Project redesigns to meet CEQA/NEPA may result in supplemental field studies and report revisions/updates.

It is common that authors of CEQA/NEPA documents are not the same specialists who conduct technical field studies. This step in the model would provide the report specialists with field studies that have been approved in form and content by specialist with the correct skill sets to make physical field assessments. With the permit agencies having been involved in the technical

report initiation and review, what they eventually see in the CEQA/NEPA document should not come as a surprise. This familiarity with the technical report should accelerate review of the CEQA/NEPA document by the permit agencies.

## **2.8 *Distribute Approvals and Permits***

### Objectives:

Each agency is to submit their signed permit to the applicant as soon as possible. Where possible, no agency will wait for another agency to complete their permitting/signatory process.

### Advantages:

- Engineering team would clearly understand their design limitations;
- Frees up permit staff to work on other projects.

### Disadvantages:

- Applicant may not understand why one permit takes longer than another resulting in unnecessary frustrations.

The permit agencies would be encouraged to submit their completed permits as soon as possible to the applicant. This understanding of environmental constraints, mitigation measures, and permit conditions would provide better opportunities for effective regional planning for future activities in the study area. No recommendation for altering the permit submittal process is provide in this model.

## 3.0 Next Steps

During the exercise of clustering issues and solutions, several key actions were identified that the PSW felt were critical to enhance the success of this streamlining model. Perhaps more important, these features appeared to be missing or not apparent from the myriad of other streamlining processes reviewed to create this model.

### **1. *Create Memorandum of Understanding***

A Memorandum of Understanding (MOU) will need to be crafted and signed by the participating agencies defining their commitments to implement the process. The MOU will include, but not be limited, the following:

- a. Spells out each agencies mission, statutory and regulatory authorities;
- b. Commits funds and sends staff to reoccurring training in how to implement the model;
- c. Designates participating agencies and their representatives who will be committed to the team for a designated period of time and outlines how replacements will be brought into the program;
- d. Establishes schedules for approving research methodologies, technical report reviews and delivery of executed permits;
- e. Outlines commitments to meeting schedules;
- f. Outlines a funding plan to support the model from the participating agencies.

The intent of the MOU is to secure a commitment from the permit agencies to work with the model for a reasonable amount of time and to commit the staff and funds to sustain the effort. Even though this model does not propose to change regulatory policy at this time, any new process will require a period of training and adjustment before success can be claimed. This model focuses heavily on communication, the sharing of information, and science-based decisions. It is anticipated that a commitment to these foundation elements will result in an improved process and within a reasonable amount of time.

### **2. *Tracking System/Project Database***

It is accepted that one of the more challenging parts of this model is the recommendation to create an online (perhaps web based), real time, project tracking system. This system should be easily accessed by the applicant to confirm project status and updated by the PRT to advise of current progress. Notes should be made part of the system whereby permit reviewers can submit their comments and needs thus facilitating the delivery of expedient information



necessary to complete the permit. The intent is to reduce the opportunity for projects to be delayed due to an “incomplete application”.

It is assumed that the system would need to start out by providing simple information that is obtained from the preliminary project application. As the system matures information such as lead, responsible and trustee agency contacts could be provided. Electronic versions of local, state and federal documents could be stored in a type of online library along with previously obtained environmental permits and meeting correspondence. Important project decisions could be memorialized on the site along with the project schedule, milestones and deliverables. Similar web-based systems are currently available. However the challenge of linking several permit agencies on a single system that project applicants can access presents a unique challenge for Information Technology managers. Whereas this system would not need to be immediately created to initiate this streamlining model, the success of streamlining relies heavily on the exchange and access to common information and conclusions. Information not shared cannot promote an accelerated permitting process.

### **3. *Preliminary Permit Application***

An initial joint-agency application or checklist must be created that provides enough information to allow those agencies to come to the planning table who can only do so after a complete application is submitted. The intent is to allow the Lead Agency, permitting agencies and project applicant to work with the project engineers early in the design process and to understand what permits will be needed to authorize the activity in the most efficient manner. This form needs to identify the potential studies that are typically required for work in certain types of physical environments. Forms suitable for modified use in this model include Caltrans' Preliminary Environmental Study (PES) form and/or Preliminary Environmental Analysis Report (PEAR). These existing forms are recommended because they have gone through a period of use and have been modified for use in a broad array of physical environments.

As was mentioned earlier, of concern is how to distribute the form to the permitting agencies and the regulated community. There may be opportunities to post the form on each agency's web site as well as those of The Resources Agency and the State Clearinghouse. Announcing the availability of the form to the general public could be distributed through various professional publications and organizations such as the Consulting Engineers and Land Surveyors of California (CELSOC), Association of Environmental Professionals (AEP) and American Planning Association (APA), to name a few.

#### **4. Staff Training**

As with any new approach, training will be required to teach staff why the model was crafted the way it was and how to use it effectively. Given the high priority placed on the communication process, PRT coordination and field method approvals, it will be crucial that a consistent and sustained training program be funded and supported by the permitting agencies. Common, cross functional training in how the coordinated PRT process operates in relation to the technical disciplines (e.g., fluvial geomorphology, biology, fish passage, etc.) will be crucial to performing consistent environmental assessments and permit reviews. In addition, training should:

- a. Be multi-agency, cross-functional, and publicly offered;
- b. Implement a continuing education process that is provided on a regularly, reoccurring basis;
- c. Include a review or identification of assessment standards and protocols;
- d. Budget sufficient funds to maintain regularly offered training;
- e. Provide information about the various agencies' missions, values, and goals.

#### **5. Long Term Recommendations**

The PSW has identified additional actions that could further facilitate permit streamlining. Some of these actions are readily implementable through the use of vehicles such as interagency agreements and programmatic agreements. Other options would require legislative action such as making amendments to CEQA. Some of these potential actions are summarized below:

Currently available mechanisms:

- Interagency Agreements;
- Programmatic Agreements;
- 4(d) rule between Fish and Game and the National Marine Fisheries Service;
- Expand Categorical Exemptions where appropriate;
- Section 6 Agreement between CDFG and NMFS to acknowledge adequacy of and provide federal funding to support conservation and management programs administered by CDFG for federally listed species;
- Regional General Permits (Corps); and,
- Statewide Programmatic General Permits (Corps).

Requires legislative action:

- Amend state law to allow delegation of the Corps 404 program to a state agency;

- Amend federal law to allow delegation of project review and authorization under FESA to CDFG to perform concurrent review and authorization with CESA;

Likewise, other legal processes may warrant modification to facilitate an expedited permitting program. These opportunities will be discussed over the life of the model. The PSW is satisfied with the initial outline of this approach and looks forward to testing the model on real projects.



APPENDIX A

STREAMLINING ISSUES SUMMARY



## **STREAMLINING ISSUES (CLUSTER EXERCISE)**

### **Information Management**

Need for consolidating resource information to improve availability to the public and affected agencies for decision-making. Provide tools (e.g., checklists) of permit expectations / requirements by agency / permit to assist applicants in navigating a multi-jurisdictional permitting arena (maturing of a database management system).

- Constraints to implementing the above: lack of a consolidated permit tracking system by which all agencies can access and concurrently track their agency's permits for the same project (still paper system at best); lack of sufficient dedicated staff to maintain the information management system; lack of staff to define resource baseline information, resource information and mapping may be different among agencies for the same project site.

### **Legal Constraints**

The streamlining options available are constrained by underlying regulatory, statutory, and jurisdictional authority, as well as judicial and administrative interpretation of existing laws.

The effectiveness of any local enforcement authority is limited by the prosecutors (i.e., district attorney, attorney general, U.S. and CA departments of justice) willingness to take action.

It is not clear to the public or the agencies, which agency/agencies are, responsible for the enforcement of which permits and activities. This is often compounded by multiple jurisdictions covering the same project, sometimes diluting the effectiveness of prompt corrective action.

Permits must be written to have enforceable conditions in order to be effective thus avoiding ambiguities in future interpretations of the terms.

The 1600 program is unique in that it is a negotiated agreement process that has an appeal provision with mandatory arbitration.

## **Project Planning/Permit Process**

Different information needs of the various resource agencies are based on their own requirements, standards, guidelines or criteria, which may not be consistent between agencies. This may result in inconsistencies in the synthesis and reporting of information. Furthermore, information needs/demands of an agency may be broader than that specified in regulation, resulting in further conflicts.

There are conflicts, which arise between standard engineering practices and environmental planning processes. Questions arise as to how far to take early identification of environmental constraints in the absence of really knowing the project footprint.

The different agencies may request different information about the same resource. Thus, the field assessment used could produce insufficient results for different agencies. Additionally, the differences in survey standards could produce results not meeting the criteria of permitting agencies.

Handling of similar projects is often inconsistent, both in the evaluation phase and in the permits issued (terms and conditions).

The regulatory requirements of the contents of the project descriptions may not provide enough information for the public and other agencies to make informed decisions (i.e., affected habitats).

The contents of a 'complete application' can vary from agency to agency, causing delays in permit processing.

There are existing MOAs/MOUs between various agencies that may not be effectively used which may benefit the streamlining process. Likewise there are existing BMPs from various programs that might be beneficial for streamlining, if consolidated.

Some protection programs (i.e., HCPs and NCCPs) are more geared towards terrestrial environments and leave gaps in the protection of aquatic resources.

Failing to identify state and federal lead agencies for CEQA/NEPA purposes early in the planning process can result in delays in attempting to finalize assessment and permit processing methodologies.

Potential impacts can be perceived differently depending on the agency proposing the action (restoration vs. capital project). Perception is often based on which agency is doing the work, rather than quantitative assessments of the activity relative to the resource at risk.

Assessing impacts and development of avoidance and minimization activities should be resource based not activity based. For example a particular activity could be detrimental at times, and acceptable at other times (e.g., bulldozer in a stream).

Permitting, mitigation, and conservation strategies must be designed specifically for aquatic resource needs, and have a science-based approach, rather than using terrestrial-based mitigation concepts such as mitigation ratios (e.g., 3:1 habitat replacement).

There needs to be a balance between the short-term and long-term impacts and benefits of proposed projects. Likewise the cumulative impacts and benefits need to be considered in the project evaluation.

## **Streamlining Program Constraints**

Improvements that would make a streamlining process beneficial include:

- Permit application efficiency:
  - Consistent field assessment methodologies;
  - Consistent reporting requirements;
  - Consistent application information requirements;
- Permit processing efficiency;
- Permit compliance efficiency;
  - Consistent monitoring/evaluation requirements
  - Success criteria needs to be defined and consistent among agencies, monitoring should be relative to defined success criteria



- Reduce duplicate efforts in resource assessment, analysis, reporting, etc., to make useful for multiple compliance needs, such as CEQA/NEPA;
- Inter-agency commitment to cooperate;
- Inter-agency training program to common standards;
- Inter-agency regulatory approval process.

Streamlining recommendations need to consider:

- How will permits' terms and conditions vary between processes (i.e., what if a 4D rule is used vs. an ESA Section 10 HCP)?
- How will accountability be measured?
- Is there an appeal process, arbitration process, or negotiation process?

Whatever pilot programs or streamline recommendations are developed, there needs to be a mechanism for incorporating 'lessons learned' as the program is implemented (i.e., adaptive management).

Existing streamlining efforts should be examined for applicability to meeting Tri-Agency goals.

## **Resource Protection Values and Goals**

There are often protection overlaps between ESA and CESA, CEQA and NEPA, DFG Code 1600, CWA, etc., that have different protection goals and objectives for the same resource.

There are conflicts within and between agencies due to conflicting resource protection goals and authorities (conservation vs. preservation; species vs. species; bed, bank, and channel vs. ordinary high water; etc.) for a given project.

The situations above illustrate problems with trying to satisfy multiple jurisdictions, regulatory authorities, and resource management goals. As a result, resources

may receive unequal consideration during the planning and environmental review processes.

## **Public Participation**

The public may not always be aware of project applications due to an ineffective public notice process. (save for solutions: a public noticing outreach effort)

Some public notice processes may not require sufficient project setting information to allow the public or responsible agencies to provide meaningful comments and/or concerns. Linear projects create unique situations in that they can cross many habitat types and jurisdictional boundaries making a description of the setting difficult.

There is a need for project proponent and permitting agencies to set a common goal of completing an action while meeting environmental commitments vs. the conflicting goals of building a project and blocking a project.

The timing and feasibility of the project may be misunderstood by the agencies (i.e., a two month construction window for a two-year project).

- There is often a public relations problem with the permit process, both from the agency perspective and public perspective. These range from what is allowed in the permit to how to convey that information to the public so that it helps them go through the permit process. Further the public's interpretation of the process may be tainted to the point where there is a lack of acceptance of the process.

Conflicts may occur between public goals (health, safety and welfare vs. conservation and protection of natural resources).

Different permit applicants, and the public in general, may perceive permit processes and requirements differently from one another based on their perspective (e.g., farmer vs. flood control vs. developer vs. environmentalist).

The public may not understand 'program' versus 'project' level environmental review. For example, a General Plan EIR undergoes program level environmental review vs. a Specific Plan, which undergoes project or construction level review. Consequently, they may not understand the level of effort applied to the assessment process.

## **Agency Constraints**

Agencies may be constrained from implementing streamlining efforts based on:

- Lack of management support,
- Lack of administrative support,
- Insufficient qualified staff,
- Budget constraints associated with program costs (e.g., adequate staffing),
- No clear agreement on common goals (e.g. conservation vs. preservation; facilitating vs. impeding development process),
- Conflicts in the interpretation of the core mission within an agency,
- Statutory and regulatory constraints,
- Accountability of:
  - Staff
  - Agency
  - Project proponents
- Lack of enforcement of program directives,
- Inconsistencies in monitoring requirements,
- Inconsistencies in enforcement authorities.

---

APPENDIX B

PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM

---

**PRELIMINARY ENVIRONMENTAL STUDY (PES) FORM**

Agency (Dist-Co-Rte-Agency): \_\_\_\_\_

Project Number (Federal Prog. Prefix-Proj.No. (Agrmnt No.): \_\_\_\_\_

Project Location: \_\_\_\_\_

Project Description: \_\_\_\_\_

**EXAMINE FOR POTENTIAL EFFECTS ON THE ENVIRONMENT, DIRECT OR INDIRECT, AND  
ANSWER THE FOLLOWING QUESTIONS**

	<u>Yes</u>	<u>To Be Determined</u>	<u>No</u>
<b>A. The Physical Environment</b>			
1. Is the project a Type I project as defined in 23 CFR 772.5(h); "construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes."	_____	_____	_____
2. Are there water resources (rivers, streams, bays, inlets, lakes, drainage sloughs) within or immediately adjacent to the project area?	_____	_____	_____
3. Is project within a designated sole-source aquifer?	_____	_____	_____
4. Is project within the State Coastal Zone?	_____	_____	_____
5. Is the construction area located within a regulatory floodway or within the base floodplain (100-year) elevation of a water course or lake?	_____	_____	_____
6. Is the project within or immediately adjacent to a Wild and Scenic River System?	_____	_____	_____
7. Is there a potential for a federally-listed, threatened, or endangered species (including candidate species) or their critical or sensitive habitat within the construction area?	_____	_____	_____
8. Is there a potential for wetlands within the construction area?	_____	_____	_____
9. Is there a potential for agricultural wetlands within the construction area?	_____	_____	_____
<b>10. Air Quality</b>			
a. Is the project included in a currently conforming regional transportation plan (RTP) and transportation improvement program (TIP) and that there have been no substantial changes in the design concept and scope as used in the TIP?	_____	_____	_____
b. Is the project exempt from the requirement to determine conformity (40 CFR 93.126)?	_____	_____	_____
11. Is the project in a non-attainment or maintenance area? (National Ambient Air Quality Standards)	_____	_____	_____

	<u>Yes</u>	<u>To Be Determined</u>	<u>No</u>
12. Is there a potential for prime or unique farmlands within or immediately adjacent to the construction area?	_____	_____	_____
13. Is there a potential for hazardous materials (including underground tanks) or hazardous material remains within or immediately adjacent to the construction area?	_____	_____	_____
14. Are there any publicly-owned public parks, recreation areas, or wildlife or waterfowl refuges [Section 4(f)] within construction area?	_____	_____	_____
15. Are there any aesthetically visual resources within the project area?	_____	_____	_____
<b>B. The Social and Economic Environment</b>			
16. Will the project require any right of way, including partial or full takes? Consider construction easements and utility relocations.	_____	_____	_____
17. Is the project inconsistent with plans and goals adopted by the community?	_____	_____	_____
18. Will the project result in the need for public services, including utilities other than those presently available or proposed?	_____	_____	_____
19. Will the project involve changes in access control?	_____	_____	_____
20. Will project involve the use of a temporary road, detour or ramp closure?	_____	_____	_____
21. Will the project reduce available parking?	_____	_____	_____
22. Will the project require future construction to fully utilize the design capabilities included in the proposed project?	_____	_____	_____
23. Will the project generate public controversy based on potential environmental effects?	_____	_____	_____
24. Will project construction encroach on State or Federal Lands?	_____	_____	_____
25. Are there National Register listed or potentially eligible historic properties [Section 106, Section 4(f)] within the construction area?	_____	_____	_____

DATA AS REQUIRED TO SUPPORT THE CONCLUSIONS OF THIS CHECKLIST SHOULD BE ATTACHED OR AVAILABLE FROM THE LOCAL AGENCY UPON REQUEST  
(Check to Indicate Required Technical Studies, Coordination, Permits or Approvals)

C. REQUIRED TECHNICAL STUDIES	D. COORDINATION	E. PERMIT/APPROVALS
<input type="checkbox"/> NOISE STUDY — Traffic Related — Construction Related	— FHWA	
<input type="checkbox"/> WATER QUALITY STUDY — Discharge Dredged/Fill material (US waters) — Construction in Navigable Waters — Construction of Bridges/Causeways Across Navigable Waters — Construction of Bridge — Stream or Lake Alteration — NEPA/404 MOU	— U.S. Army Corps of Engineers — U.S. Army Corps of Engineers — U.S. Coast Guard  — California Regional Water Quality Control Board — California Department of Fish & Game — FHWA	— Issues Section 404 Permit — Section 10 Permit — Approves Plans  — Water Quality Certification — Section 1601/03 Permit
<input type="checkbox"/> SOLE SOURCE AQUIFER	— EPA (S.F. Regional Office)	— Contamination Threat
<input type="checkbox"/> COASTAL ZONE	— State Coastal Zone Management agency (California Coastal Commission (CCC))	— Coastal Zone Consistency
<input type="checkbox"/> FLOODPLAIN STUDY *	— Federal Emergency Management Agency FHWA	Floodplain Finding
<input type="checkbox"/> WILD & SCENIC RIVERS	— U.S. Department of Interior — Heritage Conservation/Recreation Service	
<input type="checkbox"/> BIOLOGY STUDY *	— FHWA — California Department of Fish & Game	— Sec 7 Consultation Incidental Take Permit
<input type="checkbox"/> WETLANDS STUDY *  Agricultural Wetlands	— FHWA/EPA — U.S. Fish & Wildlife — U.S. Army Corps of Engineers — National Marine Fisheries Service — Natural Resources Conservation Service	Wetlands Findings  — Verifies juris. wetlands — Verifies agri. wetlands
<input type="checkbox"/> AIR QUALITY STUDY*	— FHWA	— Conformity Finding
<input type="checkbox"/> FARMLANDS STUDY	— Natural Resources Conservation Service — U.S. Army Corps of Engineers	— Verifies prime/unique Approves Conversions

\* FHWA has responsibility for consultation under regulation or interagency agreement or  
FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.



C.	REQUIRED TECHNICAL STUDIES	D. COORDINATION	E. PERMIT/APPROVALS
<input type="checkbox"/>	HAZARDOUS MATERIAL STUDY (Cleanup of Hazardous Material Sites)	<input type="checkbox"/> 1. CALIF. EPA; Department of Toxic Substances Control, Biennial Reports, Lists of Active Annual Workplan Sites <input type="checkbox"/> 2. CALIF. OPR; Hazardous Wastes & Substances Sites List, List of Contaminated Sites <input type="checkbox"/> 3. LOCAL; Health & Human Services Dept., Hazardous Waste Operations Division	
<input type="checkbox"/>	SECTION 4(f) EVALUATION *	<input type="checkbox"/> FHWA <input type="checkbox"/> Public Official w/Jurisdictional Responsibility. <input type="checkbox"/> SHPO/ACHP (as appropriate) <input type="checkbox"/> DOI/DOA/HUD/USDA (as appropriate)	<input type="checkbox"/> Makes Determination
<input type="checkbox"/>	SECTION 6(f) EVALUATION	<input type="checkbox"/> Park Official <input type="checkbox"/> DOI	
<input type="checkbox"/>	VISUAL IMPACT STUDY (AESTHETICS)	<input type="checkbox"/> FHWA	
<input type="checkbox"/>	RELOCATION IMPACTS STUDY	<input type="checkbox"/> State & Local Planning Departments	
<input type="checkbox"/>	SOCIO-ECONOMIC STUDY	<input type="checkbox"/> Airports, Schools, State and Local Planning Departments	
<input type="checkbox"/>	TRAFFIC	<input type="checkbox"/> FHWA	
<input type="checkbox"/>	SECTION 106 STUDY * <input type="checkbox"/> APE Map  <input type="checkbox"/> Historic Property Survey Report (HPSR)	<input type="checkbox"/> Caltrans <input type="checkbox"/> FHWA <input type="checkbox"/> SHPO/ACHP (as appropriate) <input type="checkbox"/> Local Preservation groups and/or Native American Tribes <input type="checkbox"/> FHWA	<input type="checkbox"/> Determines applicability of Minimal APE <input type="checkbox"/> Approves APE  <input type="checkbox"/> Concurs or Consults with SHPO/ACHP
<input type="checkbox"/>	CONSTRUCTION/ENCROACH ON STATE LANDS <input type="checkbox"/> Under State Lands Commission Jurisdiction <input type="checkbox"/> Under Caltrans Jurisdiction	<input type="checkbox"/> State Lands Commission <input type="checkbox"/> Caltrans	<input type="checkbox"/> General Permit/Revise General Plans <input type="checkbox"/> Encroachment Permit
<input type="checkbox"/>	CONSTRUCTION/ENCROACHMENT ON FEDERAL LANDS	<input type="checkbox"/> U.S. Bureau of Reclamation <input type="checkbox"/> Private Land Owner	<input type="checkbox"/> Encroachment Permit <input type="checkbox"/> Right of Entry Permit
Additional studies may be required for other Federal Agencies.			

\* FHWA has responsibility for consultation under regulation or interagency agreement or  
FHWA has responsibility for a finding or determination required by law, regulation or Executive Order.

## F. Public Hearing and Public Availability

☐ Not Required  
☐ Notices of Availability  
☐ Environmental Document ONLY

☐ Opportunity for a Public Hearing  
☐ Public Hearing Required

## G. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

☐ Environmental Impact Statement  
☐ Environmental Assessment  
☐ Categorical Exclusion, with required technical studies (involving Federal action)  
☐ Programmatic Categorical Exclusion, without required technical studies  
☐ Programmatic Categorical Exclusion, with required technical studies (not involving Federal action)

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_ Telephone #: \_\_\_\_\_

This document was prepared under my supervision, in accordance with the *Local Assistance Procedures Manual*, Exhibit 6-B, "Instructions for Completing the Preliminary Environmental Study Form."

Signature local agency: \_\_\_\_\_ Date: \_\_\_\_\_ Telephone #: \_\_\_\_\_

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document (if required).

Signature DLAE: \_\_\_\_\_ Date: \_\_\_\_\_ Telephone #: \_\_\_\_\_

**THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, REGULAR CEs, AND (WHEN REQUESTED) FOR PROGRAMMATIC CEs:**

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document.

Signature District Environmental: \_\_\_\_\_ Date: \_\_\_\_\_ Telephone #: \_\_\_\_\_

FHWA REVIEW of PES RECOMMENDED YES ☐ NO ☐

**THE FOLLOWING SIGNATURE IS REQUIRED FOR EAs, EISs, AND (WHEN REQUESTED) FOR REGULAR CEs:**

H. I concur with the studies to be performed and the recommended level of environmental document.

Signature FHWA: \_\_\_\_\_ Date: \_\_\_\_\_ Telephone #: \_\_\_\_\_

**Distribution:**

Original: District Local Assistance Engineer  
Copy: Local Agency Project Files

---

APPENDIX C

PRELIMINARY ENVIRONMENTAL ANALYSIS REPORT (PEAR)

---

## EXHIBIT 2 – SAMPLE PEAR



### Preliminary Environmental Analysis Report

{SAMPLE}

#### Project Information

District \_\_ County \_\_ Route \_\_ Kilometer Post (Post Mile) \_\_\_\_\_ EA \_\_\_\_\_

Project Title: Brief descriptive phrase, e.g., CAPM, Curve Re-alignment, Passing Lane, etc.

Project Manager \_\_\_\_\_ Phone # \_\_\_\_\_

Project Engineer \_\_\_\_\_ Phone # \_\_\_\_\_

Environmental (Manager) Office Chief \_\_\_\_\_ Phone # \_\_\_\_\_

Environmental Planner Generalist \_\_\_\_\_ Phone # \_\_\_\_\_

#### Project Description

Purpose and Need: Write a concise statement of the project purpose and need. Do this with the project proponent. This statement should also be in the PSR.

Description of work: Write a brief summary of the proposed work that will be done. Include work required that is incidental to the project, such as: access roads, utility relocation, de-watering, etc.

Alternatives: Identify all project alternatives (including no-build). If alternatives are no longer being considered, state why. Do not select or identify a preferred alternative. Describe each alternative still under consideration.

#### Anticipated Environmental Approval

##### CEQA

- ☐ Categorical/Statutory Exemption  
☐ Negative Declaration / focused ND

##### NEPA

- ☐ Categorical Exclusion  
☐ Finding of No Significant Impact

☐ Environmental Impact Report ☐ Environmental Impact Statement

Identify the anticipated environmental document for the proposed project. Identify who should be the CEQA lead agency. Estimate the length of time (months) required to obtain environmental approval and total person hours to complete the identified tasks.-

#### PSR Summary Statement

## EXHIBIT 2 – SAMPLE PEAR

For each practicable Alternative write a brief summary of key environmental issues, studies required, permits, and mitigation. Include a time and cost estimate, and any constraints likely, such as construction windows, biological monitoring, Native American monitoring, acquisition of Permits to Enter, etc.

### **Special Considerations**

For each practicable Alternative summarize any special processes such as NEPA/404, seasonal constraints, Section 7, 4(f) that may effect project delivery and require unusual, exceptional, or extended environmental processes.

### **Anticipated Project Mitigation (for standard PSR only)**

For each practicable Alternative prepare short summary paragraphs for each focused area of mitigation of all anticipated mitigation measures required to reduce, minimize, or compensate for project impacts. Include a cost estimate for each mitigation measure. Summarize the total of all mitigation costs at the end of this section, in the summary statement and on the Mitigation and Compliance Cost Estimate (Attachment A).

### **Disclaimer**

This report is not an environmental document. Preliminary analysis, determinations, and estimates of mitigation costs are based on the project description provided in this report. The estimates and conclusions provided are approximate and are based on cursory analysis of probable effects. This report is to provide a preliminary level of environmental analysis to supplement the Project Study Report. Changes in project scope, alternatives, or environmental laws will require a re-evaluation of this report.

### **Reviewed by:**

\_\_\_\_\_  
Environmental Office Chief

Date: \_\_\_\_\_

\_\_\_\_\_  
Project Manager

Date: \_\_\_\_\_

## EXHIBIT 2 – SAMPLE PEAR

### Environmental Technical Reports or Studies Required

	Study	Document	N/A
Community Impact Study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Farmland	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section 4(f) Evaluation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Visual Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floodplain Evaluation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise Study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality Study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Paleontology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wild and Scenic River Consistency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cumulative Impacts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Cultural</b>			
ASR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HSR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HASR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HPSR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Section 106 / SHPO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Native American Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other			
Finding of Effect _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Data Recovery Plan _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Hazardous Waste</b>			
ISA (Additional)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PSI	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Biological</b>			
Endangered Species (Federal)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Endangered Species (State)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Species of Concern (CNPS, USFS, BLM, S, F)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Biological Assessment (USFWS, NMFS, State)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Wetlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Invasive Species	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Natural Environment Study	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NEPA 404 Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Permits</b>			
401 Permit Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
404 Permit Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1601 Permit Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
City/County Coastal Permit Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State Coastal Permit Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NPDES Coordination	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
US Coast Guard (Section 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## EXHIBIT 2 – SAMPLE PEAR

### Discussion of Technical Review

*Use brief paragraphs focused on topics that will need environmental review. Indicate the absence of issues to document that they were considered. Follow the Checklist when preparing the summary discussion. Make a separate statement for each viable alternative. **Samples follow:***

Socio-economic and Community Effects. The project is not expected to have any effects on the local community or the economy.

Farmlands. N/A

4(f) Impacts. The project may create 4(f) issues if it results in any temporary or permanent impacts to the following properties.....

Visual Effects. A visual assessment will be required and should include potential project effects and any appropriate mitigation. Design of the upgraded guardrail may require and include visual impact mitigation. Tree removal must be avoided to minimize the effect on the visual setting. Vegetation removed from any properties found to be historically significant may become a sensitive issue.

Water Quality and Erosion. The site should be evaluated for potential water quality impacts associated with the project. If site dewatering is required for new construction, a dewatering plan is required. Site access for construction must be included in any water quality analysis.

Floodplain. A floodplain evaluation report will need to be prepared to analyze the effects of the alterations to the bridge footings on the 100-year floodplain.

Air and Noise. Potential air quality and noise impacts are.... The proposed project is included in the Regional Transportation Plan dated... which has been found to be in conformity with the Clean Air Act State Implementation Plan.

Wild and Scenic River. There is a potential for impact to (name of river), a Federally designated wild and scenic river.

Cultural Resources. An archeological survey will be required for the project. The proposed Area of Potential Effect (APE) must include all access roads, work areas and staging areas beyond the existing paved highway. A historic survey of resources related to... may be required. Any subsequent changes in project scope may require additional archaeological or historical review.

Native American Coordination. The following Native American tribes or groups may have any interest in or be affected by the proposed project...

Hazardous Waste/Materials. An Initial Site Assessment (ISA) will be required to address the potential for hazardous waste. The risk ranking for ... is ....

Biological Resources. This project may affect sensitive biological resources. Formal consultation with National Marine Fisheries Service on the coho salmon and steelhead will be required. Formal consultation with the USFWS on the tidewater goby and the mountain beaver may be required. The existing bridge should be inspected for the presence/absence of bats, nesting swallows and other protected species. Bird and bat surveys should be completed in the spring/summer season. The California Natural Diversity Data Base (CNDDB) does not indicate

## EXHIBIT 2 – SAMPLE PEAR

any other known sensitive biological resources in this location. There are no known sensitive plant species in this location.

Wetlands. A delineation of jurisdictional wetlands and waters of the United States needs to be done. Executive Order 11990 requires an avoidance alternative analysis for wetland impacts unless there is no practicable alternative available. Impacts to waters of the U.S. and wetlands from the project and any temporary access roads will need to be quantified.

Invasive Pest Plant Species. Executive Order 13112 requires that any Federal action may not cause or promote the spread or introduction of invasive species. This project may...

Right-of-Way Relocation or Staging Area. No new Right-of-Way is indicated for this project. Material sites and disposal sites are indicated, but not identified. These areas, which must be identified prior to initiating environmental studies, will require complete environmental evaluation as part of this project.

Mitigation (For standard PSR only). Mitigation for temporary and permanent impacts to sensitive biological resources (wetlands, riparian vegetation, regulated plants and animals) will be required. Mitigation for impacts to waters of the United States and tidewater goby habitat may be required. Construction windows between June 1 and October 15 may be required for coho mitigation, and temporary bat roosts may be required for bats displaced by construction disturbance. Avoidance of swallow nests, or nest exclusion netting may be required from March 1 through August 31. Reasonable mitigation costs are generally considered to be up to 10% of the project cost. For this project, mitigation could include swallow exclusion, restricted construction scheduling, habitat enhancement, habitat restoration, or habitat replacement; the cost of which is estimated to be around \$200,000.

Permits. Permits from the State Department of Fish and Game (1601), U. S. Army Corps of Engineers (an individual 404 Permit will probably be required because wetland/waters impacts may exceed the threshold acreage), U.S. Coast Guard (Section 10), and the Regional Water Quality Control Board (401) will be required. Additional permits for the material site and disposal site may be required.

Coastal Zone. This project is within the County coastal jurisdiction and will require a County Coastal Development Permit. It is not within state coastal jurisdiction nor within state appealable jurisdiction.

### List of Preparers

Hazardous Waste Review by	Date
Biological Review by	Date
Cultural Review by	Date
Community Impact Review	Date
Visual Review by	Date
Floodplain Review by	Date



## EXHIBIT 2 – SAMPLE PEAR

### Attachment A - PEAR Mitigation and Compliance Cost Estimate\*(Standard PSRs Only)

Dist.-Co.-Rte.-KP/PM: \_\_\_\_\_ EA: \_\_\_\_\_

Project Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Person completing form/Dist. Office.: \_\_\_\_\_

Project Manager: \_\_\_\_\_ Phone number: \_\_\_\_\_

Date: \_\_\_\_\_

	Mitigation			Compliance
	Project Feature <sup>1</sup>	Enviro. Obligation <sup>2</sup>	Statutory Require. <sup>3</sup>	Permit & Agreement <sup>4</sup>
Fish & Game 1601 Agreement				
Coastal Development Permit				
State Lands Agreement				
NPDES Permit				
COE 404 Permit- Nationwide				
COE 404 Permit- Individual				
COE Section 10 Permit				
COE Section 9 Permit				
Other:				
Noise attenuation				
Special landscaping				
Archaeological				
Biological				
Historical				
Scenic resources				
Wetland/riparian				
Other:				
<b>TOTAL (Enter zeros if no cost)</b>				

- Costs are to be reported in \$1,000's.
- Costs are to include all costs to complete the commitment including: 1) capital outlay and staff support; 2) cost of right-of-way or easements; 3) long-term monitoring and reporting; and 4) any follow-up maintenance.

## EXHIBIT 2 – SAMPLE PEAR

<sup>1</sup> Mitigation that Caltrans would normally do if not required by a permit or environmental agreement.

<sup>2</sup> Mitigation that Caltrans would not normally do but is required by conditions of a permit or environmental agreement.

<sup>3</sup> Mitigation that Caltrans would not normally do and is not required by a permit or Enviro. Agreement, but is required by a law.

<sup>4</sup> Non-mitigation Caltrans would not normally do but is required by conditions of a permit or agreement.

\*Prepare a separate form for each practicable alternative in the PSR.